

Remarks

This Application has been carefully reviewed in light of the first Office Action mailed March 21, 2008 ("Office Action"). Applicants appreciate the Examiner's consideration of the Application. Although Applicants believe all claims are allowable without amendment, Applicants have cancelled Claims 1-13, 19-28, and 36-39, and have added new Claims 40-47 to expedite issuance of a patent from this application. Applicants wish to note that, with respect to all amendments and cancellations herein, Applicants reserve the right to pursue broader subject matter than that presently claimed through the filing of continuations and/or other related applications. Applicants respectfully request reconsideration and full allowance of all pending claims.

The Corrected Drawings Comply with 37 C.F.R. 1.121(d)

The Drawings are objected to by the Examiner in the Office Action because they are hand drawn Figures. Replacement sheets 1-14 are submitted to replace previous sheets 1-17 in their entirety. Figures 1-10 in Replacement sheets 1-14 are in compliance with 37 CFR 1.121(d). No new matter has been added. Applicants respectfully request withdrawal of the objection.

The Claims Satisfy 35 U.S.C. § 112 and 35 U.S.C. § 101

The Examiner rejects Claims 1-13, 19-28 and 36-39 under 35 U.S.C. § 112 as allegedly being "indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention" and allegedly directed to non-statutory subject matter. Applicants cancel Claims 1-13, 19-28, and 36-39, rendering the Examiner's rejection moot. Applicants add new Claims 40-47, each of which recite a "a financial planning system" comprising "one or more computer systems" and "a financial planning application embodied on a computer readable medium." Additionally, each new Claim 40-47 comprises presenting at least one of the bridge scenarios for selection. Support in the specification can be found, for example, at pages 8, lines 15-19 and FIGURE 1 of the originally filed application. Accordingly, Applicants submit that new Claims 40-47 satisfy the requirements of 35 U.S.C. § 112 and 35 U.S.C. § 101.

The Claim Rejections under 35 U.S.C. § 103 are Moot

The Examiner rejects Claims 1-3, 11, 12, 22 and 27 in the Office Action under U.S.C. § 103(a) as being unpatentable over "The Optimal Time to File for Social Security Benefits," by Mirer ("*Mirer*") in view of "The Winning Job Termination Strategy," by Mallard ("*Mallard*"). Applicants cancel 1-3, 11, 12, 22 and 27, rendering the Examiner's rejection moot.

The Examiner rejects Claims 4-10 in the Office Action under 35 U.S.C. § 103(a) as being unpatentable over *Mirer* in view of *Mallard* and further in view of Applicant's Admitted Prior Art as recited in Applicant's Related Art Section ("*Applicant's Admitted Prior Art*"). Applicants cancel Claims 4-10, rendering the examiner's rejection moot.

The Examiner rejects Claims 21 and 25 in the Office Action under 35 U.S.C.(a) as being unpatentable over *Mirer* in view of *Mallard* and further in view of "Retiring Early? You'll Need an 'Income Bridge' Annuity is Simple but Strip Bonds Offer Flexibility," by Archer ("*Archer*"). Applicants cancel Claims 21 and 25, rendering the Examiner's rejection moot.

The Examiner rejects Claims 13, 19 and 20 in the Office Action under 35 U.S.C. § 103(a) as being unpatentable over *Mirer* in view of *Mallard* and further in view of "Retirement Planning for Married Couples" Distribution Differences" by Orth ("*Orth*"). Applicants cancel Claims 13, 19, and 20, rendering the Examiner's rejection moot.

The Examiner rejects Claims 23, 26 and 28 in the Office Action under 35 U.S.C. §103(a) as being unpatentable over *Mirer* in view of *Mallard* and further in view of "How to Be Sure You Never Go Broke" by Simon ("*Simon*"). Applicants cancel Claims 23, 26, and 28, rendering the Examiner's rejection moot.

The Examiner rejects Claim 24 in the Office Action under 35 U.S.C. § 103(a) as being unpatentable over *Mirer* in view of *Mallard* in view of *Archer* and further in view of *Simon*. Applicant cancels Claim 24, rendering the Examiner's rejection moot.

The Examiner rejects Claims 38 and 39 in the Office Action under 35 U.S. C. §103(a) as being unpatentable over *Orth* and further in view of *Simon*. Applicants cancel Claims 38 and 39, rendering the Examiner's rejection moot.

New Claims 40-47 are Allowable over *Mirer, Mallard, Orth, Simon, and Archer*

Applicants add new Claims 40-47 that are allowable over the cited references. *Mirer, Mallard, Orth, Simon, or Archer*, both alone and in combination, fail to teach, suggest, or disclose each and every element of new Claims 40-47. For example, Claim 40 recites:

A financial planning system for calculating income streams for a married couple, comprising:

one or more computer systems; and

a financial planning application embodied on a computer readable medium and operable, when executed by the one or more computer systems, to:

receive an age for each spouse of a married couple;

identify, for each spouse of the married couple, a first retirement age, a full retirement age equal to the age at which a spouse becomes eligible for full social security income, and a maximum retirement age equal to an age at which the spouse becomes eligible for maximum social security income;

receive an estimated initial individual retirement account balance for the married couple;

generate multiple bridge scenarios, each bridge scenario yielding an estimated yearly bridge scenario income comprising:

a bridged retirement income for the married couple, the bridge retirement income comprising an estimate of yearly inflation-adjusted after-tax income received from a bridge product having a cost equal to the initial individual retirement account balance; and

a bridged social security income for the married couple, the bridged social security income comprising an estimate of combined yearly inflation-adjusted after-tax income received from social security for each spouse of the married couple in the bridge scenario, wherein at least one spouse defers receiving social security income until a delayed retirement age greater than the full retirement age;

generate an alternative scenario yielding an estimated yearly alternative scenario income comprising an alternative social security income projection for the married couple, the alternative social security income projection comprising an estimate of combined yearly inflation-adjusted after-tax income received from social security for each spouse of the married couple, wherein each spouse begins receiving social security benefits at an age prior to full retirement age;

calculate an estimated withdrawal amount from the individual retirement account which, combined with the alternative scenario income, would provide a yearly retirement income equal to the yearly bridge scenario income;

based on the estimated withdrawal calculation, project future individual retirement account balances for the individual retirement account;

calculate a minimum static rate of return for the individual retirement account required to ensure that the calculated withdrawal amounts can be made; and

present at least one of the bridge scenarios for selection.

As an initial matter, Applicants note that the cited references fail to teach, suggest, or disclose any “financial planning system for calculating income streams for a married couple” that includes “one or more computer systems” and “a financial planning application embodied on a computer readable medium.” For at least these reasons, the cited references fail to teach, suggest, or disclose the subject matter recited in new Claim 40.

Applicants additionally note that *Mirer*, *Mallard*, *Orth*, *Simon*, and *Archer*, both alone and in combination, fail to teach, suggest, or disclose several additional limitations of new Claim 40. For example, the cited references fail to teach, suggest, or disclose “generat[ing] multiple bridge scenarios, each bridge scenario yielding an estimated yearly bridge scenario income comprising[] a bridged retirement income for the married couple, the bridge retirement income comprising an estimate of yearly inflation-adjusted after-tax income received from a bridge product having a cost equal to the initial individual retirement account balance[,] and a bridged social security income for the married couple, the bridged social security income comprising an estimate of combined yearly inflation-adjusted after-tax income received from social security for each spouse of the married couple in the bridge scenario, wherein at least one spouse defers receiving social security income until a delayed retirement age greater than the full retirement age.”

Moreover, the cited references also fail to disclose “generat[ing] an alternative scenario yielding an estimated yearly alternative scenario income comprising an alternative social security income projection for the married couple, the alternative social security income projection comprising an estimate of combined yearly inflation-adjusted after-tax income received from social security for each spouse of the married couple, wherein each spouse begins receiving social security benefits at an age prior to full retirement age.”

Applicants also note that the prior art fails to teach, suggest, or disclose “calculat[ing] an estimated withdrawal amount from the individual retirement account which, combined with the alternative scenario income, would provide a yearly retirement income equal to the yearly bridge scenario income,” “based on the estimated withdrawal calculation, project[ing]

future individual retirement account balances for the individual retirement account,” “calculat[ing] a minimum static rate of return for the individual retirement account required to ensure that the calculated withdrawal amounts can be made,” and “present[ing] at least one of the bridge scenarios for selection.”

Accordingly, *Mirer, Mallard, Orth, Simon, or Archer*, both alone and in combination, fail to teach, suggest, or disclose each and every element of Claim 40. For at least these reasons, Claim 40 is allowable, together with its dependent claims. Applicants respectfully request consideration and allowance of Claims 40-45.

Additionally, many of the dependents of Claim 40 include other elements that are also not disclosed in the cited references. For example, Claim 44 recites

The system of Claim 40, wherein the financial planning application, when executed by the one or more computer systems, is further operable to:

receive a target retirement income amount for the married couple;
calculate a second estimated withdrawal amount from the individual retirement account which, combined with the alternative scenario income, would provide a yearly retirement income equal to the target retirement income;

based on the second estimated withdrawal amount calculation, project additional future individual retirement account balances for the individual retirement account;

calculate a second minimum static rate of return for the individual retirement account required to ensure that the second estimated withdrawal amounts can be made; and

perform a Monte Carlo simulation to determine a probability of successfully funding the second estimated withdrawals.

The cited references fail to teach, suggest, or disclose every element of Claim 44. No reference teaches, suggests, or discloses “receiv[ing] a target retirement income amount for the married couple,” “calculat[ing] a second estimated withdrawal amount from the individual retirement account which, combined with the alternative scenario income, would provide a yearly retirement income equal to the target retirement income,” “based on the second estimated withdrawal amount calculation, project[ing] additional future individual retirement account balances for the individual retirement account,” and “calculat[ing] a second minimum static rate of return for the individual retirement account required to ensure that the second estimated withdrawal amounts can be made.” Moreover, no cited references teaches, suggests, or discloses “perform[ing] a Monte Carlo simulation to determine a probability of successfully funding the second estimated withdrawals” as recited in Claim 44.

Thus, for at least these additional reasons, Claim 44 is allowable. As noted above, Applicants respectfully request reconsideration and allowance of Claim 44.

Although of differing scope from Claim 40 and from one another, Claims 46 and 47 include elements that, for reasons substantially similar to those discussed above with respect to Claim 40, are not disclosed, taught, or suggested by *Mirer*, *Mallard*, *Orth*, *Simon*, or *Archer*. Thus, Claims 46 and 47 are allowable for at least these reasons. Applicants respectfully request consideration and allowance of Claims 46 and 47.

Conclusion

Applicants have made an earnest attempt to place this case in condition for immediate allowance. For the foregoing reasons and for other reasons clear and apparent, Applicants respectfully request reconsideration and allowance of all pending claims.

If there are matters that can be discussed by telephone to advance prosecution of this application, Applicants invite the Examiner to contact their attorney at the number provided below.

Although Applicants believe no fee is due, the Commissioner is hereby authorized to charge any fee or credit any overpayment to Deposit Account No. 02-0384 of BAKER BOTTS L.L.P.

Respectfully submitted,

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